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Motorola- TUROC & WATSON, LLP 127 Public Square, 57th Floor, Key Tower Cleveland, OH 44114			EXAMINER JEANTY, ROMAIN	
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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3  
4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
6

7  
8 *Ex parte* YNJIUN P. WANG and TIMOTHY P. O'HAGAN  
9

10  
11 Appeal 2009-007226  
12 Application 10/016,001  
13 Technology Center 3600  
14

15  
16 Decided: January 14, 2010  
17  
18

19  
20 *Before* MURRIEL E. CRAWFORD, HUBERT C. LORIN, and ANTON W.  
21 FETTING, *Administrative Patent Judges*.

22  
23 CRAWFORD, *Administrative Patent Judge*.  
24

25  
26 DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection of claims 1, 2, 4, 16-20, 22, 26, 27, and 31-34. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellants invented systems and methods of capturing and providing demographic information concerning a consumer product to the manufacturer of such products during transactions in which the consumer utilizes a bar code reader and the Internet for product inquiries (Spec. 12:2-4).

Claim 1 under appeal is further illustrative of the claimed invention as follows:

1. A method of capturing and providing demographic information concerning a consumer of products to a manufacturer of such products during transactions in which the consumer utilizes a bar code reader and the Internet for product inquiries, comprising:

selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at user terminal;

providing an association table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer;

loading the associated web site address to a computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address;

selectively receiving additional consumer queries to allow for further refining the information inquiry; and

transmitting demographic information comprising at least geographic location of the consumer to the product manufacturer by utilizing data packet information that transfers the information inquiry to the manufacturer.

1 The prior art relied upon by the Examiner in rejecting the claims on  
2 appeal is:

3 Kaplan	US 5,963,916	Oct. 5, 1999
4 Anderson	US 5,974,396	Oct. 26, 1999
5 Hudetz	US 5,978, 773	Nov. 2, 1999

6  
7 The Examiner rejected claims 1, 2, 4, 16-20, 22, 26, 27, and 31-34  
8 under 35 U.S.C. § 103(a) as being unpatentable over Hudetz in view of  
9 Anderson; and claim 4 under 35 U.S.C. § 103(a) as being unpatentable over  
10 Hudetz in view of Anderson and Kaplan.

11 We AFFIRM.

## 12 ISSUES

13 Did the Appellants' show the Examiner erred in asserting that a  
14 combination of Hudetz and Anderson renders obvious transmitting  
15 demographic information comprising at least geographic location of the  
16 consumer to the product manufacturer by utilizing information from the  
17 information inquiry/web page request of the consumer, as recited in  
18 independent claims 1, 16, and 22?

19 Did the Appellants' show the Examiner erred in asserting that a  
20 combination of Hudetz, Anderson, and Kaplan renders obvious the subject  
21 matter of dependent claim 4, because Kaplan does not remedy the  
22 deficiencies of Hudetz and Anderson?

## 24 FINDINGS OF FACT

### 25 *Specification*

26 Appellants invented systems and methods capturing and providing

1 demographic information concerning a consumer product to the  
2 manufacturer of such products during transactions in which the consumer  
3 utilizes a bar code reader and the Internet for product inquiries (Spec. 12:2-  
4 4).

5  
6 *Hudetz*

7 Hudetz discloses a service provider 22 including a relational database  
8 60. Database 60 includes records 62-68, which each include four fields 70-  
9 76. Fields 70 and 72 contain a UPC product identification number, field 72  
10 holds a URL suitable for locating a resource on the Internet, and field 76  
11 holds a narrative description of the resource addressed in field 74 (col. 7, l.  
12 2-13).

13 Each record 62-68 of database 60 associates a UPC product  
14 identification number (contained in fields 70 and 72) with a particular  
15 Internet URL and narrative description (contained in fields 74 and 76,  
16 respectively). The association is based on selected criteria. In this case, the  
17 criteria is the existence of a Web resource sponsored by the manufacturer of  
18 the product identified by the UPC number in fields 70 and 72 (col. 7, ll. 17-  
19 24).

20 Entry is accomplished by scanning UPC symbol 46 affixed to article  
21 48. Input device 44 reads UPC symbol 46, and generates an ASCII  
22 character string which is read by CPU 30 via I/O port 38. The UPC product  
23 identification number is transmitted to the Web server resident on local  
24 service provider 22, which at a block 86 looks up the entered UPC in  
25 database 60 (col. 8, ll. 38-46).

26 Text from description field 76 of each of records 62, 64 and 66 is

1 displayed as hypertext links 102, 104 and 106, respectively. Link 102 is  
2 associated with the URL of record 62, link 104 with the URL of record 64,  
3 and link 106 with the URL of record 66. When the user selects one of links  
4 102-106 (by mouse click or otherwise), the browser software loads the URL  
5 associated with the selected link to access the resource at the location  
6 specified by that URL (col. 9, ll. 14-21).

7       Instead of displaying query results at step 90 (of FIG. 5), browser  
8 software in local host can automatically load the retrieved URL and point  
9 the user to the site corresponding to that URL. An additional field in  
10 database 60 can provide a code indicating whether this feature should be  
11 enabled or disabled for a particular URL (col. 9, ll. 61-64).

12  
13       *Anderson*

14       Anderson discloses providing a retailer or a retail chain with the  
15 ability to process transactional information involving large numbers of  
16 consumers and consumer products by gathering product information that  
17 uniquely identifies a specific product by type and manufacturer, grouping  
18 that product information into product clusters, and analyzing consumer retail  
19 transactions in terms of those product clusters to determine relationships  
20 between the consumers and the products. Product, consumer, and  
21 transactional data are maintained in a relational database. Targeting of  
22 specific consumers with marketing and other promotional literature is based  
23 on consumer buying habits, needs, demographics, etc. A retailer queries the  
24 relational database using selected criteria, accumulates data generated by the  
25 database in response to that query, and makes business and marketing  
26 decisions based on that accumulated data (col. 2, l. 58 through col. 3, l. 8).

1 Anderson further discloses receiving consumer information describing  
2 demographic characteristics of various consumers, grouping consumers into  
3 consumer clusters based on specifically defined demographics criteria, and  
4 analyzing product transactions in terms of those consumer clusters to  
5 determine relationships between consumers and products. Using product  
6 and/or consumer clusters, a retailer determines relationships between  
7 products and consumers as well as the effectiveness of a particular product  
8 promotion (col. 3, ll. 9-19).

9 Consumer application subsystem 24 provides a mechanism by which  
10 consumers provide various demographic and other characteristic information  
11 as consumer data to consumer purchase repository 26. Daily product  
12 transaction log files, a master product item list, and consumer data from  
13 consumer application subsystem 24 are forwarded to the consumer purchase  
14 repository 26. Data is categorized and stored in clusters (product and/or  
15 consumer). Various buying behaviors and patterns may be extracted from  
16 the cluster data stored in consumer purchase repository 26 in the form of  
17 statistical extracts 30 and used by retailers along with conventional software  
18 market analysis tools 33 to determine statistical patterns, e.g. buying habits  
19 based on specific consumer demographics, for formulating retail marketing  
20 strategies (col. 6, ll. 24-44).

21  
22 PRINCIPLES OF LAW

23 *Obviousness*

24 One cannot show non-obviousness by attacking references  
25 individually where the rejections are based on combinations of references.  
26 *In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

1

2 *Claim Construction*

3 While the specification can be examined for proper context of a claim  
4 term, limitations from the specification will not be imported into the claims.  
5 *CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 1231 (Fed. Cir.  
6 2005).

7 ANALYSIS

8 *Information Inquiry/Web Page Request*

9 We are not persuaded of error on the part of the Examiner by  
10 Appellants' argument that a combination of Hudetz and Anderson does not  
11 render obvious transmitting demographic information comprising at least  
12 geographic location of the consumer to the product manufacturer by utilizing  
13 information from the information inquiry/web page request of the consumer,  
14 as recited in independent claims 1, 16, and 22 (App. Br. 5-8; Reply Br. 3-6).  
15 Hudetz discloses that scanning UPC symbol 46 can send an information  
16 inquiry/web page request to the manufacturer to bring up a URL or other  
17 Web resource sponsored by the manufacturer of the product identified by the  
18 UPC number. Anderson discloses that various demographic and other  
19 characteristic information of a consumer can also be collected and sent back  
20 to a retailer, so as to allow the retailer to analyze the data to make  
21 appropriate business and marketing decisions. Accordingly, the Examiner  
22 asserts that it would have been obvious to supplement the information  
23 inquiry/web page request of the consumer to the manufacturer, with  
24 demographic and other characteristic information collected from the  
25 consumer, to allow the manufacturer to analyze the data to make appropriate  
26 business and marketing decisions (Examiner's Ans. 4, 8).



1 Appellants assert that Anderson does not disclose utilizing  
2 information within the information inquiry/web page request to send the  
3 demographic information to the manufacturer, and instead  
4 disadvantageously requires retailers and manufacturers to proactively use  
5 relational databases to acquire such information (App. Br. 5-7; Reply Br. 3-  
6 6). However, Hudetz, and not Anderson, is cited for sending information via  
7 the information inquiry/web page request to the manufacturer. *See In re*  
8 *Keller*, 642 F.2d at 426. Anderson is cited for *additional* information that  
9 could be sent via the information inquiry/web page request to the  
10 manufacturer.

11 Appellants assert that Anderson only provides a consumer purchase  
12 repository subsystem which gathers consumer list for sold products or only  
13 those consumers who purchased a product, and not those consumers who  
14 only requested product information or made information enquiry about the  
15 product and didn't purchase the product (App. Br. 6-7). First of all, the  
16 claims do not make any distinction between consumers who did or did not  
17 purchase a product. *See CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d at  
18 1231. Furthermore, Hudetz, and not Anderson, is cited for disclosing  
19 information inquiries about the product. *See In re Keller*, 642 F.2d at 426.  
20

### 21 *Dependent Claims*

22 We are not persuaded of error on the part of the Examiner by  
23 Appellants' argument that a combination of Hudetz, Anderson, and Kaplan  
24 does not render obvious the subject matter of dependent claim 4, because  
25 Kaplan does not remedy the deficiencies of Hudetz and Anderson (App. Br.  
26 8; Reply Br. 6-7). For the reasons set forth above, the Appellants have not

1 shown how the Examiner erred in using a combination of Hudetz and  
2 Anderson to render obvious the subject matter of independent claim 1, from  
3 which claim 4 depends. Accordingly, Kaplan is not needed to remedy any  
4 deficiency.

5  
6 CONCLUSION OF LAW

7 On the record before us, Appellants have not shown that the Examiner  
8 erred in rejecting claims 1, 2, 4, 16-20, 22, 26, 27, and 31-34.

9  
10 DECISION

11 The decision of the Examiner to reject claims 1, 2, 4, 16-20, 22, 26,  
12 27, and 31-34 is affirmed.

13  
14 AFFIRMED

15  
16  
17  
18 MP

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